Annapolis, Thursday, Oct. 29.

Departed this life on Thursday the 15th instant, at Pleasant Plains, Lis late residence, on the north side of Severn, Mr. FREDERICK GRAM-MER. in the 67th year of his age. Mr. G. was long a respectable and useful citizen of this prace.

THE PENITENTIARY SYS-TEM.

[This System has been established in the United States of America longer than in any other country. The following Document throws more light on the result, than any other publication which we have scen. We have subjoined an account extracted from Papers laid before Parliament, of the expenses of the General Penit ntiary established at Miloank, near London, by which it appears, that each person confined there, costs the community nearly forty pounds sterling per arnum, in addition to the amount of his earnings, and without counting the Capital employed in buildings nd repairs. If it were true, as asserted in the American report, that the Penttennary System has a tendency to increase the number of offenders, it would, in a pecuniary posit of view, become an intolerable ourden to the nation, r ducing th nonest and industrious to poverty, exposing them allo to be come offenders, and thereby in er ase in a rapsi proportion the mischiefs of the system.

We have heard that this System has some advocates in this country. We should be glad to see them answer, satisfactorily, the American R. port and subjoined Statement.] Quebec G.zette.

LEGISLATURE OF SOUTH CAROLINA

Dec inber-1817. The Committee appointed at the close of the last session-"To enquire if it be expedient to after the Penal Code of this State; and if expedient, what alterations were required, beg leave to

REPORT:

That they were prevented, by circumstances, from assembling during the recess of the legislature, and have therefor not given to the subject that protracted consideration which its importance would seem to require. The result, however, of sach anquiries as the committee have been able to make since the commencement of the present session, they now beg leave to submit; leaving it to the legislature to determine whether further information be ne essary to an ununace de-

An alteration of the Penal Code of the State appears, from renerat ed executive recommendations, to have been much desired, and jong expected:-as yet, legislative caution has not yielded to executive importunity. Tims caution, it is beneved, has been the effect, not of any supp sed perfection in our criminal law, but of doubts as to the policy of adopting the particular aiterations recommended. That some alterations were required, has lity of the criminal and the effect turns of convictions prove. Many offences are frequently committed which our penal code was intended to suppress, and which, it is believlessened.

For these evils, two remedies have been suggested. The adopti- crime mean any thing more than on of the penitentiary system, or the quantum of punishment neces-only so to alter our present laws, as sary to the suppression of the crime, to increase or diminish the quantum, it would seem to refer to the sensiof punishment now apportioned.

Fach of these remedies has its advocates, both in the opinion of your committee are entitled to consideration. The penitentiary system will be first examined.

Before, however, we proceed to this examination, a few observations will be suggested, intended to establish certain propositions, which without pretending to axiomatic truth, are supposed sufficiently correct to induce general acquiescence.

Although the novel situation in which the people of the U. States have been placed, has rendered the lessons of experience of less universal importance here than elsewhere, it is nevertheless believed that experience here, as elsewhere, will ever prove the best source of wisdom, and surest foundation of policy. This truth, though seldom conied, is not unfrequently forgotten, or totally disregarded.

it may not be unumportant on this offence, and the motives with which occasion, to recall to mind a memo- it had been perpetrated,

rable instance of the fallacy of human wisdom. When speculating upon laws and government, recorded in the early annals of our own country, Mr. Locke, the profoundest philosopher of his age, furnished a form of government and system of raws for South Carolina. Mr. Locke's government and laws are known to have failed in every respect. The only laws which have been able to stand the test of ages have grown out of the progressive exigencies of man. They are the lessons of experience, not the suggestions of speculation. The laws of Solon & Lycurgus have passed away. The common and civil laws have lasted for ages, and win probably continue

of force for ages to come. That the only proper object of punishment is the prevention of crime, is a proposition, though not universally admitted, essentially correct in the estimation of your committee.

Vindictive justice is disclaimed -The law, which punishes cannot feel; the law there ore cannot be vindictive-If the most enormous crime could not be repeated by the offender or another, that crime the law ought not to purish.

Retributive justice is regarded as fanciful, not practical: society cannot be compensated for a crime: felony cannot be worked out- nd if telony could be worked out, it must always cost more libour, or what is equivalen to labour, to secure the labour of a criminal, than his labour can be worth.

Any other proportion between punishment and crime, than that wnich effects the suppression of the crime, is regarded as visionary. Could the smallest offence be sup pressed by the greatest punishment, it ought to be attached. If the greatest crimes could be prevented by the smallest punishment they ought to be apportioned; would the same penalty prevent every crime, there should be but one penalty.

To proportion the punishments with any degree of precision to the crime, would appear to involve the following difficulties:

In the first place, the sensibility of the criminal ought to be ascertained; for the same punishment would affect very differently persons of different degrees of sensibility; to one, that punishment might be torture, which to another would be little more than unplea-

2dly. The effect of each crime on society ought to be ascertained; and this, it is apprehended, can only be approached in a very remote degree. To kill A, who is a virtuous, intelligent, and active member of society, is much more injurious than to kill B, who is a worthless vagrant; on the life of the first the happiness of society materially depend-the death of the last may be so far beneficial, as to discumber so-

city of a drone. No law giver, in wever, has ever ventured to discriminate between these cases. Extremely dangerous would it be to discriminate, and yet without such discrimination, what pretension can there be to proportion?

Sdly. Difficult as it is to ascertain with any precision the sensibinever been denied; that some alter- of the crime, more difficult must it are now necessary, the rebe to penetrate the motives of the chustus, in their report complain that the prison is so crowded as to ed by a simple motive, and yet when so influenced it is difficult of detection. The more complex his mo ed, can be suppressed, or very much tives, the more difficult is the task of fixing his criminality, and jet if proportion between punishment and bility of the criminal, the effect of the crime, and the motives with which it was perpetrated .- But if the exact proportion could be ascertained, it is difficult to perceive the benefit that would result. We admire proportion in architecture; the mind is gratified when all the parts of a building appear calculated to effect the purpose for which they were intended. That a criminal, however, has been punished exactly in proportion to his sensibility, the effect of his crime and the motives with which he perpetrated the crime, would afford no pleasure, it is apprehended, unconnected with the hope that the crime would not be repeated. On the other hand, it would appear fastidiout in the extreme, to object to a penishment which suppresses the crime, only because it was not in exact proportion to the sensibility

of the criminal, the effect of the

With these observations, your committee will proceed to the consideration of the penitentiary sys-

The reluctance with which this subject has always been considered by the legislature when pressed upon their attention by executive recommendations was the effect it is believed (as before stated) of great doubts as to the practical effects of a theory, which though brilliant had not been fully tried, and upon which the growing experience of other states, would in no protracted length of time, shed a light which would dissipate all doubt, and procure a decision in every respect satisfactory. It is to the experience of those states where the penitentiary system has been longest tried, that your committee now proposes to look for that light which shall confirm or dissipate those doubts which have hitherto existed on this sub-In Pennsylvania, where the first

American Penitentiary House was erected, it appears from a recent publication entitled, "A Statistical View of the Operations of the Penal Code of Pennsylvania." Tout its operations had "been extremely beneficial for the first two years after its establishment; thats of two hundred persons who had been pardoned, only four had returned." At that period it appears further, that the number of convicts was so small in proportion to the building, that the apartments in the prison and the prison yard afforded convenient and ample room for the separation of the convicts."

The Grand Jury of Philadelphia, in a recent presentment say . . hat high degree of order and cleanliness, they are compelled by a sense of duty to present as an evil of considerable magnitude, the present very crowded state of the peritentiary; the number of prisoners of all classes, continues to increase, so that from 20 to 40 are lodged in rooms of 18 feet square; so many are thus crowded together, that the institution already begins to assume the character of an European prison and a seminary for every vice. in which the unfortunate being who commits a first offence and knows none of the arts of methodized villainy, can scarcely avoid the contamination which leads to extreme depravity.'

It appears further, from the same publication, "that of 451 convicts nowin the penitentiary of Penn-sylvania, 161 have been confined tnere before."

The commissioners appointed to examine into the state of the New-York prison in their report observe, but has for some time past not only failed of effecting the object chiefly in view, but has subjected the treasury to a series of disbursements. too oppressive to be continued if they can in any way be prevented." The cause of this failure is said to be the crowding together of the prisoners, and a relaxation of discipline. It appears further, that a very larpe proportion of those who have been committed for the last five or six years had been confined there before.

The commissioners appointed to examine the state prison of Massadefeat the object for which the institution was erected." They state further, "that the only advantages which the commonwealth appears to derive from the establishment,

1st. The protection afforded the community against the criminals during their confinement.

2dly. The value of the earnings of the convicts, which may be supposed to be so much gain, since the greater part of this class of men when at large, were at the expence of the community without labour, But there appears," says these commissioners, "great reason to suppose that the advantage first mentioned is more than counterbalanced by the greater hardihood and more settled corruption which a promiscuous association among the convicts must produce, particularly

the young." It is thought unnecessary to make further quotations from these publications, as they are in the possession of the legislature, and can be

procured by all. The most attentive examination of these documents, on the part of the committee, has been followed by , thorough conviction that the penitentiary system, as far as it has been yet tried, has failed. It is not how. ver to be concealed, that some hope yet exists, that solitary confinement

may be so apportioned, as to res- 1786. This statement is made to which it once possessed, but of which, for some time past it has been

Should it succeed it will be gratifying to humanity to see its benefits extended to every portion of the habitable world; and it is not doubted that in such an event, the legislature of this state will avail itself of the earliest opportunity of adopting the system; but until it has been well tried and has fully answered, your committee cannot but believe, it would be unwised the legislature to attempt it. The experiments already commenced are so numerous. and will probably be conducted with so much ability, as will leave no doubt as to the results that may be afforded. It may indeed, be necessary to a full and fair experiment of the system, that some states should not adopt it; for to ascertain its value, it may be necessary to contrast it with other systems, and this cannot be done with advantage if all the states were to adopt it.

It may not be unimportant, even on the present occasion, to contrast the operations and effects of the penitentiary system, with the operations and effects of the system of criminal law now of force in this state. To effect this object, returns of the convictions which have taken place since 1799, have been procured from most of the clerks of the district courts. It is to be lamented that all the clerks have not complied with the requisitions made upon them in August last. A sufficient number however have been procured, it is believed, to answer the purpose intended. The comparion will be confined to the last 17 years, as prior to 1800, the county court system was of force, under which, justice was not only imperfectly administered, but the records of which were so badly kept as to furnish at this period no data from which the number of convictions can be ascer-

The penitentiary system of Pennsylvania has been selected for comparison, as it is supposed to be the oldest and best managed in the United States, and with the operations and effects of which we are best acquainted.

It will appear on a reference to the statistical view of the operations of the penal code of that state, that the convictions from 1800 to 1869, inclusive, for penitentiary offences, were 1045, giving an ave-

rage for each year of more than 104. The population of that state in 1800 (as appears by the census taken) was 602,445. In 1810, the population had increased to \$10,091. which affords an annual increase of about 20,754, and an average population of 628.299, for the ten years prior to 1810. For this period therefore convictions were to population as 404 are to 632,299, or as 1 to

From 1810 to 1815 inclusive, the convictions were 890, giving an average of more than 148 for each

The population probably increase ed in each year from 1810 to 1815 In greater numbers than from 1800 to 1810, but as the exact increase cannot be ascertained, it will be computed at the same, the difference cannot be very great. This would make the average population from 1810 to 1815, about 880,845.

For this period therefore, con victions were to population as 148 to 830,845, or as 1 to 5613.

It would appear from this statement, that crimes had not only increased numerically, but in a greater ratio than population.

It will appear further, on reference being had to the statistical view. that the number of untried prisoners, returned on the calenders at the different sessions of the county of Philadelphia, was For the year 1813 . . 516

1814 . . 538 1815 . . 829 1816 . . 1058

Had these prisoners been tried as usual, the number of convicts would have been greater for these years, which would consequently have increased the average number of convictions from 1810 to 1816, and thereby increase the ratio of crimes for the last period selected for comparison.-Why a greater number of prisoners were left untried for these years than usual, is not explained. It is difficult not to attribute it to

the system. It is stated in the publication ahove alluded to, that the number of convicts from 1779 to 1786, b th inclusive, were greater than from 178: system was not commenced before such a demand, which he toully

under the pehitentlary system. The effect, however, may have been pro duced by other adequate cause which existed at the time. From 1779 to 1782, the United State were engaged in a bloody civil war the most prolific parent of crimes and although we were enjoying my ny of the blessings of peace from 8 to 86, yet it cannot be supposed that during this period society did no continue to feel many of the will which the licentious habits of a civil war are calculated to engender. T compare these two periods then it to aid the penitentiary system with all the advantages of peace, order and good government, and to do the tormer penal code of Pennsy vania with all the crimes of a cive war.—Our object, however, is no to compare the penitentiary system to compare the penitentiary system. Pennsylvania with the former pens code of that state, but to compare

with the penal code of this state, By the returns of convictions from 1800 to 1810 both inclusive, it an pears there were in this state 14 convictions for penitentiary offer ces, which gives an average of 1 per year.

From 1800 to 1815, the convic tions were 62, which gives an ave rage 12 per year.

The population of this state in the year 1800 was 199 440; in 1810 the population had increased to 218 750, which affords a small annua increase.

From this statement it appear that convictions have not only n in reased in a ratio with the pop-lation, but have numerically dim nished.

As we are unacquainted with ev any circumstances peculiar to th state, which were calculated to les en crimes, or with any circumsta ces peculiar to Pennsylvania, while were calculated to increase the we are induced to conclude that t penal code of this state, imperf as it is, has been productive of me benefit than that of Pennsylvania.

Your committee are therefore i duced to recommend, that the pe tentiary system be not adopted, a that the penal code of this state amended, as the bill herewith ported provides tot.

DANIEL F. HUGER Chairman of Committee on Pe

From the National Advocate. COM. PERRY & CAPT. HEAT Statement of the proceedings goding out of the altercation between Commodore Perry and Capt Heath. Commodore Perry, in conseque

of having received a communica from captain Heath in Rhode Isla on which the civil authorities of state prevented him from acting, induced to go on to Washington the 10th of October for the purp of giving to captain Heath the sa faction which h had demand The absence of his previously gaged friend, commodore Decat whom he had passed on the re rendered it necessary that he sho resort to the intervention of anot friend for a time, that the intent of his visit might be communica to captain Heath. This was acc dingly done, and the following F liminary arrangements were agre upon between major Hamilton, the part of commodore Perry licut. Desha, on the part of capi Heath:

1st. It is understood that C Perry is to proceed to Philadelp or its vicinity, by the route of timore, where he is to remain u the arrival of Capt. Heath's frie

2d. That Capt. Heath is w ceed by the way of Frederick York to Philadelphia, and to main in the suburbs until the rangements are made for a meet between himself and Com. Per his name not to be on the stageb

Sd. Lieut. Desha and Major milton are to meet at Renshan Wednesday after the arrival of Newcastle boat.

4th. That the meeting bets Com. Perry and Capt. Heath take place on Saturday morning as soon after as practicable. Washington City, Oct. 12, 1 Endorsed on this preliminary

rangement was the following no Capt. Perry desires it to be pressly understood, that in ac ding to Capt. Heath the pers satisfaction he has demanded, nas been influenced entirely sense of what he considers due him as an atonement to the vich rules of the service, and not by onsiderations of the claims apt. Heath may have for m

gir, as such claims have been forkited by the measures of a public duracter which capt. Heath has plopted towards him. If, therefore, be civil authority should produce in impossibility of a meeting at the ine and place designated, which he will take every precaution to prerent, he will consider himself absowely exonerated from any responphility to captain Heath touching pir present cause of difference. (Signed) J. HAMILTON, Jun. (for Captain Perry.)

R. M. DESHA. (Signed) lu consequence of the foregoing the parties assembled at Philadelphia, and major Hamilton there

transferred the above memorandum to commodore Decatur, introducing to him, at the same time, lieut. Desha as the friend of captain Heath, when the following arrangements were made by them: Philadelphia, 14th Oct. 1818.

Memorandum of the preliminary arrangements between commodore Decatur, on the part of captain Perry, and lieut. Desha, on the part of captain Heath. ist. That it is understood that

taitain Perry and his friend are to proceed to New-York, or its vicinip, where he is to remain until the grival of captain Heath, or until the period which is named in this paper for their meeting. 2d. That captain Heath, with his

friend are to follow and remain at pole convenient point on the Jersey shore, near the city of New-York, and to give information after toeir urival to captain Perry's friend where such arrangements will be made as may be deemed necessary. 3. The parties to be on the point

specified, and the notification required by the 2d article given prior toucapproaching Monday, the 19th. drawing, The parties accordingly met on

Monday, the 19th inst. at 12 o'clock. on the Jersey shore of the Hudson. were capt. Perry received the fire el captain Heath without returning i when commodore Decatur immediately stepped forward and dedared, that commodore Perry had ome to the ground with a determin tion not to return the fire of captain Heath, in proof of which he rad a letter from commodore Pern to him, which he had written? (and which is herewith subjoined) soliciting him to become his friend; and therefore, he presumed the party aggrieved was satisfied. Captain Heath having expressed his acquescence in this opinion, and that the injury he had received from aptain Perry was atoned for, the parties returned to the city.

We do hereby certify that the foregoing is a correct statement. (Signed)

STEPHEN DECATUR. R. M. DE IIA.

Letter from commodore Perry, merred to in the foregoing, to com-Lodore Decatur.

Washington, January 18, 1818. My Dear Commodore— You are already acquainted with

the unfortunate affair which has taken place between capt. Heath and byself. Although I consider, from the course he has thought proper to pursue, that I am absolved from all accountability to him, yet, as I did. in a moment of irritation, produced by strong provocation, raise my hand against a persor honoured with commission, I have determined. upon mature reflection, to give him a meeting, should be call on me; declaring, at the same time, that I cannot consent to return his fire, as the meeting, on my part, will be entirely as an atonement for the violated rules of the service. I request, therefore, my dear sir, that you will act as my friend on this occasion.

Very truly, your friend. O. H. PERRY. Com. Stephen Decatur.

Thus has terminated this unpleasant difference: and, as it has created considerable sensation throughout the union, the publication of the bregoing documents are deemed necessary.

Presentment of the Grand Jury respecting Lotteries. Several contradictory represen-

tations having been made respecting the substance of the presentment made by the grand jury at the late sitting of the sessions, we avail ourselves of the following sumhary of its contents, taken from the Daily Advertiser; which we give without a word of comment.

N. Y. E. Post. From the New-York Daily Adver-LOTTERIES.

When the grand jury were about closing their business, they drew up hogshe

newspaper paper, an been made thought it substance statements we do for venting mi without th forestalling om'in any Aftera grand jury ceived no lent condu

general p

drawing of

ly that abo

having bee

and by d

ed to the anv of th Medical S appeared 1 could not

acted as a ers in drav tickets ap in an irre chiefly in number at them to previously them; tha at the wh prizes-tl on the flo letteries mer class as ten n crack of drawingbeen the ries, to c

their duty for the p tickets co They t on the ev insurance that to it be ascrib pauperisi are insuf carried pectfully to legisla

prizes rei

LATE The s roft, arr

days fro

ion date

to the 81 The • perience in its i at the la could su Lord

and sui

the 2d o

on their Among Sir J manded Gntario lately o mis, on Englan

fection tracted corpse early in It is Englan ceaded

quarter one and The ues in a The Wales,

crops o ⇔and qu The in Jers proved dant, a It is parts more

known ple tre require loaded calcula